



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally C. Medley
Telephone: (703) 308-9797
Facsimile: (703) 305-0942

Applicants: Dingeldein et al.
Application No.: 09/980,547
Filed: 10/19/01
For: Blister pack

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,160.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


Sally C. Medley
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Judge Sally C. Medley
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed
30 October 2003

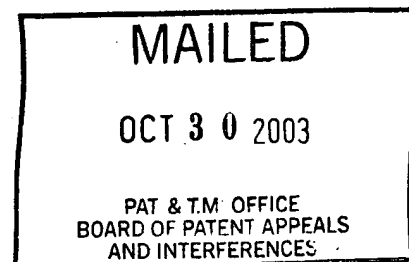
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHRISTOPHER P. HUGHES and RICHARD A. ROCCO
Junior Party,
(Patent 6,364,519),

v.

ELVIRA DINGELDEIN, HELMUT WAHLIG,
CHRISTOPH SATTIG and EDGAR WUST
Senior Party,
(Application 09/980,547).



Patent Interference No. 105,160

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Sally C. Medley has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 2:00 p.m. on 16 December 2003 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

The Board is conducting a pilot program in electronic filing of interference papers. The procedure is explained in University of New Mexico v. Fordham Univ., No. 104,761 (2001) (<<http://www.uspto.gov/web/offices/dcom/bpai/its/104761-021.pdf>>). Counsel should be prepared to discuss participation in the pilot program.

Part E. The parties involved in this interference are:

Junior Party

Named inventor: CHRISTOPHER P. HUGHES, Cordova, Tennessee
RICHARD A. ROCCO, Collierville, Tennessee

Patent: 6,364,519, granted 2 April 2002, based on
application 09/669,611, filed 26 September 2000

Title: Bone cement system

Assignee: Smith & Nephew, Inc.

Accorded Benefit: none

Attorneys: See last page

Address: See last page

Senior Party

Named Inventor: ELVIRA DINGELDEIN, Dreieich, Germany
HELMUT WAHLIG, Darmstadt, Germany
CHRISTOPH SATTIG, Dieburg, Germany
EDGAR WUST, Rodgau, Germany

Application: 09/980,547, filed 19 October 2001

Title: Blister pack

Assignee: none

Accorded Benefit: PCT/EP00/06920, filed 20 July 2000

Attorneys: See last page

Address: See last page

Part F. Counts and claims of the parties

Count 1

Claim 1 of Application 09/980,547

or

Claim 9 of Patent No. 6,364,519

The claims of the parties are:

Hughes: 1-20

Dingeldein: 1-5

The claims of the parties which correspond to Count 1 are:

Hughes: 1-6, 8-11, 13-14 and 16-20

Dingeldein: 1-5

The claims of the parties which do not correspond to Count 1 are:

Hughes: 7, 12 and 15

Dingeldein: none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See
§ 18 of the STANDING ORDER:

Paper ____¹

Filed on behalf of [name of party]

By: Name of lead counsel, Esq.

Name of backup counsel, Esq.

Street address

City, State, and Zip-Code

Tel:

Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Sally C. Medley)

CHRISTOPHER P. HUGHES and RICHARD A. ROCCO

Junior Party,
(Patent 6,364,519),

v.

ELVIRA DINGELDEIN, HELMUT WAHLIG,
CHRISTOPH SATTIG and EDGAR WUST

Senior Party,
(Application 09/980,547).

Patent Interference No. 105,160

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the **STANDING ORDER**:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 105,160

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


SALLY C. MEDLEY
Administrative Patent Judge

Date: 10/30/03
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850 and examiner write-up

Copy U.S. Patents 6,364,519

Copy of application claims 09/980,547

Revised May 2003

cc (via Federal Express):

Attorney for Hughes:

Chief Patent Counsel
SMITH & NEPHEW, INC.
1450 Brooks Road
Memphis, TN 38116

Attorney for Dingeldein:

Bruce Londa
NORRIS, MCLAUGHLIN & MARCUS, P.A.
220 East 42nd Street, 30th Floor
New York, NY 10017